

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 064647

20

ORIGIN EB-11

INFO OCT-01 AF-10 ADP-00 L-03 COME-00 LOC-01 CIAE-00

INR-10 NSAE-00 PA-03 RSC-01 USIA-12 PRS-01 IO-12 /065 R

DRAFTED BY EB/ CBA/ BP: MMBOVA/ LPW

4/6/73 X22181

APPROVED BY EB/ CBA/ BP: PBLANIUS

L/ T - MISS NILSEN

COPYRIGHT OFFICE - AGOLDMAN

L/ E - MR. PRESSLER

AF/ S - MR. ELLISON

----- 006760

R 070025 Z APR 73

FM SECSTATE WASHDC

TO AMEMBASSY PRETORIA

LIMITED OFFICIAL USE STATE 064647

E. O. 11652: N/ A

TAGS: ETRD, SF

SUBJ: COPYRIGHT PROTECTION OF MOTION PICTURE FILMS

REF: PRETORIA 1069

1. DEPARTMENT APPRECIATES EXCELLENT REPORT CONTAINED
REFTEL. FOLLOWING ARE ANSWERS TO QUESTIONS RAISED IN
ORDER PRESENTED REFTEL:

2. (A) AS SCHOEMAN POINTS OUT, U. S. COPYRIGHT STATUTE
(TITLE 17 USC) EXEMPTS COUNTRIES PARTY UNIVERSAL COPY-
RIGHT CONVENTION FROM MANUFACTURING CLAUSE WITH RESPECT
ALL BUT U. S.- AUTHORED WORKS.

3. FYI U. S. COULD NOT BILATERALLY APPLY PROVISIONS UCC
TO SAG, UNLESS FORMAL TREATY NEGOTIATED TO THAT EFFECT.
ECAUSE OF UNESCO POSITION, THIS WOULD RAISE SENSITIVE
POLITICAL QUESTIONS. ALTERNATIVELY U. S. AND SAG COULD
NEGOTIATE SEPARATE BILATERAL COPYRIGHT TREATY CALLING
FOR NATIONAL TREATMENT AND FOR MOST- FAVORED- NATION TREAT-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 064647

MENT PROVIDED IN ANY BILATERAL OR MULTILATERAL COPYRIGHT AGREEMENT IN FORCE FOR THE UNITED STATES. POLITICAL QUESTION STILL EXISTS AND WOULD HAVE TO BE AIREED IN SENATE DELIBERATIONS ON ADVICE AND CONSENT. IN BOTH CASES, QUESTION OF IMPORTANCE ATTACHED BY U. S. PRINTING INTERESTS IS RAISED. DEPARTMENT AT THIS TIME

DOES NOT KNOW WHAT EFFECT EXEMPTION FROM MANUFACTURING CLAUSE FOR SAG WOULD HAVE ON U. S. INDUSTRY. END FYI. CONVERSELY, DEPARTMENT WONDERS WHY THIS QUESTION RAISED NOW. HAS MANUFACTURING PROVISION ACTUALLY PROVED ONEROUS TO S. A. INDUSTRY?

4. FOR ABOVE REASONS, AND ALSO BECAUSE OF GENERAL POSITION FAVORING MULTILATERAL AGAINST BILATERAL COPYRIGHT AGREEMENTS DEPARTMENT BELIEVES THAT POSSIBILITIES OF SAG EXEMPTION FROM MANUFACTURING CLAUSE SHOULD NOT BE RAISED AT THIS TIME. RATHER EMBASSY SHOULD CONCENTRATE ON NATIONAL TREATMENT ARGUMENT AS SET FORTH PAR. 6 AND 7 BELOW.

5. (B) U. S. POSITION HAS BEEN THAT WHEN THERE IS AN INCREASE IN BENEFITS AFFORDED BY U. S. LAW, THOSE BENEFITS EXTEND AUTOMATICALLY TO CITIZENS OF PROCLAIMED COUNTRIES, E. G., RECENT AMENDMENT TO U. S. LAW EXTENDING PROTECTION TO SOUND RECORDINGS AGAINST UNAUTHORIZED DUPLICATION EXTENDS EQUALLY TO NATIONALS PROCLAIMED COUNTRIES, INCLUDING SAG. COPYRIGHT OFFICE HAS MADE PUBLIC ANNOUNCEMENT THIS EFFECT. IN SUMMARY, U. S. PROTECTS WORKS OF SOUTH AFRICA AND OTHER PROCLAIMED COUNTRIES ON BASIS OF WHAT OUR LAW IS TODAY.

6. DEPARTMENT CONCURS EMBASSY ANALYSIS AND WOULD ARGUE THAT EACH PROCLAIMED COUNTRY IS EXPECTED APPLY NATIONAL TREATMENT UNDER ITS EXISTING CURRENT LAW. APPLICATION 65 SOUTH AFRICAN LAW TO U. S. WORKS WOULD, THEREFORE, BE EXPECTED, AND AS EMBASSY NOTES, PROCLAMATION EXTENDING ITS COVERAGE IS ONLY AN APPROPRIATE CLARIFICATION. DEPARTMENT AGREES THAT THIS IS VERY IMPORTANT ARGUMENT AND SHOULD BE RAISED WITH SCHOEMAN.

7. (C) 1. PRESIDENT DOES NOT RPT NOT HAVE AUTHORITY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 064647

WAIVE REQUIREMENTS (E. G., MANUFACTURING CLAUSE) OF

COPYRIGHT STATUTE BY PROCLAMATION. (C) 2. DEPT IS CONSIDERING SCHOEMAN REQUEST REGARDING AGREEMENT CHANGE IN "SIMULTANEOUS" CLAUSE FROM 60 TO 30 DAYS. REPORT WILL FOLLOW AFTER WE HAVE HAD TIME ASSESS EFFECT CHANGE AND METHOD OF INSTITUTING IT.

8. EMBASSY MAY ALSO WISH POINT OUT TO SCHOEMAN THAT MANUFACTURING CLAUSE HAS NOTHING TO DO WITH MOTION PICTURES. SAG COULD, IF WISHED, ISSUE SEPARATE PROCLAMATION TO COVER JUST MOTION PICTURES BUT DEPT WOULD PREFER ARGUE ON BASIS SET FORTH (B) ABOVE THAT PROTECTION SHOULD BE AFFORDED ON SIMPLE BASIS OF FULL NATIONAL TREATMENT. ROGERS

LIMITED OFFICIAL USE

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 07 APR 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE064647
Document Source: CORE
Document Unique ID: 00
Drafter: MMBOVA/ LPW
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730436/aaaahvfw.tel
Line Count: 132
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 73 PRETORIA 1069
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 11 JAN 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11-Jan-2002 by martinjw>; APPROVED <22 FEB 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> gwr 971205
Subject: COPYRIGHT PROTECTION OF MOTION PICTURE FILMS
TAGS: ETRD, SF
To: PRETORIA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005